

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
<b>Telecommunications Relay Services and</b>	)	
<b>Speech-to-Speech Services for</b>	)	<b>CC Docket No. 98-67</b>
<b>Individuals with Hearing and Speech</b>	)	<b>DA 01-1555</b>
<b>Disabilities</b>	)	

**REPLY COMMENTS  
WORLD COM, INC.**

**Summary**

WorldCom Inc. ("WorldCom") hereby responds to comments submitted in response to questions raised by the Commission in its June 29, 2001 regarding WorldCom's IP-Relay service. Except for the United States Telephone Association, all parties support WorldCom's request that IP-Relay be funded solely out of the Interstate TRS Fund. USTA contends that the Commission must determine that IP-Relay is a telecommunications service before allowing reimbursement. However, Congress authorized the Commission to reimburse TRS providers for any service that enables communication between a user of a TDD nonvoice terminal device and an individual who does not use such a device. The Commission does not need to determine whether IP-Relay is a telecommunications service in order to authorize its reimbursement.

Most parties recognize that IP-Relay should meet most of the Commission's mandatory minimum standards, but a few standards, such as speed of answer, 911, carrier of choice, and voice initiation will need to be modified or await future developments.

With the exception of TDI, parties support reimbursing relay providers for protocol conversion services. TDI contends that only services involving communication between a text based user with a non-reliant text user may be reimbursed. In its Advanced Services Order, the Commission already determined that relay involves a protocol conversion by determining that communications assistants translate text to voice and vice versa. The Commission would need to affirm its finding that relay services are information services in order to provide reimbursement for protocol conversion services.

### **The Commission Does Not Need To Determine Whether IP-Relay Is A Telecommunications Service In Order To Authorize Reimbursement**

In its Notice, the Commission solicited comment on the most appropriate method to reimburse providers of IP-Relay, given the current inability of IP-Relay providers to automatically determine the originating location of the call.<sup>1</sup> With the exception of the United State Telephone Association ("USTA"), all parties supported reimbursing IP-Relay out of the Interstate Telecommunications Relay Service ("TRS") Fund, either because they view the service as primarily interstate in nature,<sup>2</sup> or as a means to encourage dissemination of the service until an effective means of automatically determining originating location is developed.<sup>3</sup>

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<sup>1</sup> Public Notice, Consumer Information Bureau Seeks Additional Comment on the Provision of Improved Telecommunications Service, "Notice", DA 01-1555, rel. June 29, 2001.

<sup>2</sup> WorldCom at 5; Telecommunications for the Deaf ("TDI") at 4.

<sup>3</sup> See Comments of: AT&T at 7; California Public Utilities Commission ("CPUC") at 3; Sprint at 3; Ronald Vickery at 3; National Association of the Deaf ("NAD") at 4; and Self Help for Hard of Hearing People ("SHHH") at 7.

USTA doesn't oppose reimbursement for IP-Relay per se, but contends that Section 225 of the Communications Act only permits the Commission to reimburse telecommunications relay services. USTA therefore contends that the Commission must determine that IP-Relay is a telecommunications service in order for the service to be reimbursed from the Interstate TRS Fund.<sup>4</sup> WorldCom submits that the Commission does not need to determine whether IP-Relay is an information service or a telecommunications service in order to permit providers of IP-Relay service to be reimbursed.

Section 225 does not limit reimbursement solely to the provision of telecommunications services. Section 225 includes under the rubric of 'telecommunications relay service' "...services that enable two-way communication between an individual who uses a TDD or other nonvoice terminal device and an individual who does not use such a device."<sup>5</sup> Congress could have specified that these "other services" were required to be telecommunications services, but did not do so. Congress chose to include any service that enables communication between speech or hearing disabled persons and other persons as services eligible for reimbursement. The Commission therefore need not determine whether IP-Relay is an information or a telecommunications service. It only needs to determine whether IP-relay is a relay service, namely a service that enables communication between a user of a nonvoice terminal and a person who does not use a nonvoice terminal. IP-relay is a relay service.

Having determined that IP-Relay is a relay service, the Commission then only needs to focus on the inability of IP-Relay providers to automatically determine originating location in order to conclude that IP-Relay may be reimbursed solely from the Interstate TRS Fund.

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<sup>4</sup> USTA Comments at 6.

<sup>5</sup> Section 225(a)(3).

WorldCom's Comments showed that Section 225(d)(3)(B) provides the Commission the authority to reimburse calls that are not reimbursable from the intrastate jurisdiction from the interstate jurisdiction.<sup>6</sup> Other parties rely on the Commission's discretionary jurisdiction, modeled after the Video Relay Service (VRS) funding decision to achieve the same result.

While it may be possible to eventually link an IP address to a unique geographic location, IP-relay providers would still be required to receive reimbursement from every state TRS fund in order to be fully reimbursed. WorldCom believes that having to be reimbursed from states where the IP-relay provider did not receive the contract to provide traditional relay for that state would be administratively inefficient. Moreover, currently only one state, California, has arrangements that would allow more than one provider to be reimbursed for providing relay service. For these reasons, WorldCom recommends the Commission determine that the benefits of competition and administrative efficiency justify permanently reimbursing IP-relay minutes solely from the interstate fund.

#### **Protocol Processing Services May Be Reimbursed From The Interstate TRS Fund**

With the exception of TDI, parties support reimbursing providers of protocol conversion services. TDI argues that computer-TTY and other protocol conversion services that do not involve a CA are not relay services, because they do not connect a text-based user with a user not reliant on text-based communication.<sup>7</sup> In responding to TDI, the Commission would have to affirm its decision that relay services include information services, first decided in its Advanced Services Order, in order to justify reimbursing protocol conversion services from the Interstate TRS Fund.

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<sup>6</sup> WorldCom Comments at 2.

<sup>7</sup> TDI at 5.

## **There Is Consensus That IP-Relay Deserves Flexibility With Regard To A Limited Number Of The Commission's Mandatory Minimum Standards**

In its Notice, the Commission asked parties to comment on the extent to which IP-Relay should be subject to the same minimum standards as traditional relay, and whether standards specific to IP-Relay should be developed. Parties feel that IP-Relay service should adhere to most of the Commission's mandatory minimum standards, but recognize that some flexibility is warranted for a few requirements.

### *A Temporary Waiver Of The Speed Of Answer Requirement Is Justified*

WorldCom and the California Public Utility Commission (CPUC), recognize that there may be a need for a temporary waiver from the Commission's speed of answer requirement.<sup>8</sup> Dana Mulvaney and Ronald Vickery offer general support for flexibility with regard to mandatory minimum standards for IP-Relay.<sup>9</sup> The need for a temporary waiver from the speed of answer requirement arises due to the difficulty of estimating demand for a new service, with unpredictable demand, which is being made available to the entire country. Providers of traditional relay have data available on average and peak call volumes that permit them to hire the appropriate number of CAs to meet the Commission's speed of answer requirement. The absence of historical IP-Relay call data introduces a level of uncertainty that justifies a waiver of this requirement until providers have some experience with demand patterns and levels. One year should be sufficient to gain a level of certainty to be able to comply with the Commission's speed of answer requirement.

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<sup>8</sup> WorldCom at 5; CPUC at 4; TDI at 6.

<sup>9</sup> Dana Mulvaney at 5; Ronald Vickery at 4.

*Parties Support A City-State Solution To 911 Transfer From IP-Relay*

Parties uniformly recognize that the lack of originating ANI makes it impossible to automatically transfer a 911 call to the nearest PSAP. WorldCom, AT&T, SHHH, and TDI contend that querying a 911 caller about his or her city-state location and cross referencing this with a database of the nearest PSAP provides a feasible solution that nearly replicates the existing 911 requirement.<sup>10</sup>

*Provider Of Choice Is An Appropriate IP-Relay Counterpart To Carrier Of Choice*

The Notice recognized that without originating ANI linked to a customer profile, IP-Relay providers will not be able to automatically provide callers their long distance carrier of choice. Relay providers could make a user's carrier of choice available to a user of IP-Relay after asking them which carrier they would like to use, but the user's carrier would still lack originating ANI, and would be unable to accurately bill the call. Thus, the advantages of carrier of choice do not materialize in an IP-Relay context.

WorldCom suggested that as long as IP-Relay providers offer long distance rates less than rates offered by a caller's carrier of choice, the Commission's carrier of choice requirement would be satisfied. AT&T proposes that providers of IP-Relay will compete, not only on service enhancements, but also on the price of long distance service offered to users of IP-Relay. TDI also supports this solution.<sup>11</sup> This solution is more administratively efficient than WorldCom's proposal. WorldCom supports AT&T's proposal for this reason, and believes that competition

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<sup>10</sup> WorldCom at 6; AT&T at 10; SHHH at 7; TDI at 8.

<sup>11</sup> TDI at 8.

among providers of IP-Relay service will provide competitive features and rates for relay users, since WorldCom intends to make long distance IP-Relay available to users at no charge.

*Pay-Per-Call Calls Could Be Paid By Credit Card*

Sprint proposes exempting providers of IP-Relay service from the Commission's requirement to connect relay users to pay per call services because it would be impossible to accurately bill the user for such calls.<sup>12</sup> It is true that it would be impossible for the pay-per-call provider to bill to the caller's ANI if the call was placed via IP-Relay, but it would be possible for pay-per-call providers to use other billing arrangements, such as credit cards, to bill for their services for calls placed via IP-Relay.

*HCO, VCO, STS, Will Become Technically Feasible As IP-Relay Providers Compete For Customers*

A number of parties recognize that the current technical state of end user's equipment render HCO, VCO, and STS over IP-Relay essentially infeasible.<sup>13</sup> As AT&T points out, market forces are already working to eventually make these services available over IP-Relay.<sup>14</sup>

**Competition Will Foster Development of Voice Initiated IP-Relay Calls**

The Commission inquires whether voice initiated calls can be accommodated by IP-Relay and whether it ought to require IP-Relay providers to have this capability.<sup>15</sup> Many parties agree that while voice-initiated calls over IP-Relay are technically possible, the capability has yet

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<sup>12</sup> Sprint at 5.

<sup>13</sup> Sprint at 4; TDI at 8; AT&T at 11; and NAD-TAN at 7.

<sup>14</sup> AT&T at 11.

<sup>15</sup> Notice at 4.

to be developed.<sup>16</sup> No one suggests that the Commission should mandate this capability. Indeed, IP-relay providers, working with software developers, will seek to develop this capability as a tool in their competition to win customers and reimbursement. The Commission should let market forces work to develop different methods of providing voice-initiation capability, and let users choose the method they find most preferable.

### **IP-Relay Providers Should Encrypt Transmissions According to Generally Available Levels**

The Commission and commenting parties are rightly concerned about the confidentiality of relay conversations. IP-Relay differs from traditional relay in the use of transmission protocols. Customer profile and other confidentiality requirements, that do are not affected by the choice of transmission protocol, such as not disclosing the content of a call or retaining a record of a conversation, should be retained unchanged. Encrypting transmissions will provide confidentiality while a conversation is ongoing. A reasonable confidentiality requirement specific to IP-Relay would be for the Commission to require IP-Relay providers to encrypt transmissions using generally available encryption technologies.

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<sup>16</sup> WorldCom at 7; AT&T at 11; Sprint at 5; TDI at 8; CPUC at 4; Ronald Vickery at 4.

## **The Commission Should Support Vigorous Outreach For IP-Relay**

All parties support vigorous outreach for IP-Relay. Sprint suggests that carriers' outreach efforts should be reimbursable from the Interstate TRS Fund.<sup>17</sup> Other parties support a government-directed outreach effort for IP-Relay.<sup>18</sup> Others proposed rolling IP-Relay outreach into general TRS outreach.<sup>19</sup> WorldCom believes all of these methods have merit.

## **Conclusion**

For the reasons discussed above, WorldCom urges the Commission to adopt its recommendations.

Respectfully Submitted

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<sup>17</sup> Sprint at 6.

<sup>18</sup> Katherine Keller at 2

<sup>19</sup> TDI at 11; NAD-TAN at 7.

## **Statement of Verification**

I have read the foregoing, and to the best of my knowledge, information, and belief, there is good ground to support it, and it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct.

Executed on August 20, 2001

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